

SUPPORT FOR THE AMENDMENT

Support for the amendment to claim 16 is found in claim 19 as previously presented and page 8, lines 1-2 of the specification. No new matter would be added to this application by entry of this amendment.

Upon entry of this amendment, claims 16-18, 20-21 and 25-29 will now be active in this application with claims 16-18, 20-21 and 26 being under active consideration.

REQUEST FOR RECONSIDERATION

The claimed invention is directed to an organic light-emitting diode comprising a triazolopyrimidine derivative.

The rejection of claims 16-21 under 35 U.S.C. 112 first paragraph, is respectfully traversed.

Applicants wish to thank examiner Murray for indicating that the claims are enabled for a triazolopyrimidine where R¹ is an amine, halogen or OH group and where R² is an amino group.

None the less, applicants respectfully submit that applicants' specification provides sufficient description to enable one of ordinary skill in the art to practice the claimed invention without undue experimentation.

More specifically, a synthetic scheme is identified on pages 11 and 12 for preparation of suitable triazole compounds in which an amine of formula V is coupled with a diazonium salt of formula VI to form an azo compound of formula VII. Oxidative ring closure of the azo compound of formula VII gives the desired triazol derivative of formula I.

In addition to the generic description for the preparation of the claimed compounds, more details are provided on page 15 in which the starting amine of formula V may be prepared by **otherwise known literature methods** and by methods analogous to those described in *J. Am. Chem Soc.* 73, (1951) 2864, *J. Chem Soc.* 1962, 3172 and *Chem Pharm. Bull. Japan* 13, (1965), 557. The diazonium salts are describes as capable of being prepared **by conventional methods** by diazotization of the corresponding anilines. The oxidative ring closure is described as by methods known to those of ordinary skill in the art, as described in U.S. 2,543,333.

Furthermore examples 5 and 6 provide illustrative examples in the preparation of the claimed triazoles.

Applicants respectfully submit that such a disclosure is sufficient to enable one of ordinary skill in the art to make the claimed triazole compounds without undue experimentation. Applicants further note that the claims have been amended to specify preparation of the compounds of formula (I). Applicants reserve the right to pursue the subject matter of compounds of formulas (II)-(IV) in one or more continuation applications.

Moreover, the burden is on the Patent Office to provide reasons based on scientific principles, to doubt the objective enablement of Applicant's claimed invention. Applicant's disclosure must be taken as in compliance with the enabling requirement under 35 U.S.C. §112, first paragraph, unless, there is reason to doubt the objective truth of the statements contained therein. (*In re Marzocchi*, 169 USPQ 367, 369 (CCPA 1971)). In the absence of any reasons provided by the Examiner, withdrawal of the rejection under 35 U.S.C. §112, first paragraph is respectfully requested.

In assessing the *Wands* factors, the examiner asserts that 1) there are no working examples beyond that identified by the examiner and then argues that the absence of evidence of the formation of solvates that the claims be so limited. Solvates are not articulated in the claims and the examiner's reasoning as to the lack of enablement of the current invention appears to borrow from arguments applied to a different application. As such, the reasoning is merely an identification that the number of examples is finite.

As to 2) the examiner conclusively states that chemistry is unpredictable, but fails to identify with any particularity the aspects of the claimed technology which are unpredictable and how such unpredictability affects enablement.

As to 3), this is a restatement of the reasoning in 1) that the working examples are finite.

As to 4), this is literally a statement that the claims are very broad, but in no way provides any reasoning as to why the breadth of the claims are not enabled.

As to 5), this is a statement as to the nature of the technology, but there is no discussion as to how the nature of the technology affects the breadth of enablement.

Finally, as to the level of ordinary skill, the examiner has cited that of Ph.D in chemistry with several years of bench experience. While applicants make no statement as to the level of skill in the art, the examiner's reasoning as articulate a level of skill which is very high, a level which would decrease the need for explicit description as to enablement as a Ph.D with several years of experience would be able to learn from the examples and modify the teachings of the examples, if necessary in order to practice the claimed invention, without undue experimentation.

In short, while the *Wands* factors have been addressed, there has been no reasoning in applying the *Wands* factors as to why such consideration would lead to a conclusion that the claimed invention could not be practice without undue experimentation.

In the absence of any reasons provided by the Examiner, withdrawal of the rejection under 35 U.S.C. §112, first paragraph is respectfully requested.

The rejection of claims 19 and 26 under 36 U.S.C. 112, second paragraph has been obviated by appropriate amendment.

Applicants have provided specific definitions of suitable heteryl groups. As to the use of the term "derivatives" as all of the substituents are identified, the metes and bounds of the claimed invention would be clear to those of ordinary skill in the art. Finally, claim 26 has been amended to recite elected subject matter.

Withdrawal of these grounds of rejection is respectfully requested.

Applicants submit that this application is now in condition for allowance and early notification of such action is earnestly solicited.

Respectfully submitted,

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